

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
BEAUFORT DIVISION

Stanley D.C. Akar James, Jr. *a/k/a* )  
Stanley D.C. Akar James, #1076800, )  
Jr., )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
Charleston County Sheriff's Office )  
*Region Area Protector*, Sheriff Kristin )  
R. Graziano *Sheriff*; Wellpath )  
Incorporation Medical Provider )  
*Medical Provider: Jane Doe and John* )  
*Doe*; Director Abigail Duffy )  
*Charleston County Detention Center*; )  
Jane Doe; John Doe, )  
 )  
Defendants. )

Case No. 9:23-cv-01610-JDA-MHC

**OPINION AND ORDER**

This matter is before the Court on a motion to dismiss filed by Defendants Charleston County Sheriff's Office, Abigail Duffy, and Sheriff Kristin R. Graziano ("Moving Defendants"). [Doc. 26.] In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), D.S.C., this matter was referred to United States Magistrate Judge Molly H. Cherry for pre-trial proceedings.

On April 16, 2024, the Magistrate Judge issued a Report and Recommendation ("Report") recommending that Moving Defendants' motion to dismiss be granted. [Doc. 33.] The Magistrate Judge advised the parties of the procedures and requirements for filing objections to the Report and the serious consequences if they failed to do so. [*Id.* at 7.] Plaintiff has not filed objections and the time to do so has lapsed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation” (internal quotation marks omitted)).

The Court has reviewed the record in this case, the applicable law, and the Report of the Magistrate Judge for clear error. Having done so, the Court accepts the Report and Recommendation of the Magistrate Judge and incorporates it by reference. Accordingly, Moving Defendants’ motion to dismiss [Doc. 33] is GRANTED and this action is DISMISSED with prejudice as against them.\*

IT IS SO ORDERED.

s/ Jacquelyn D. Austin  
United States District Judge

July 16, 2024  
Charleston, South Carolina

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\* On July 15, 2024, the Magistrate Judge issued a Report recommending that this case be dismissed without prejudice as against Defendants Jane Doe and John Doe pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. That Report remains pending.

**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.